

18

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMASAMI GUNABALAN, M.D.

Defendant.

MISCELLANEOUS NO.

Case:2:14-mc-50864  
Judge: Roberts, Victoria A.  
MJ: Grand, David R.  
Filed: 06-30-2014 At 12:21 PM  
OTH USA v GUNABALAN (dat)

**GOVERNMENT'S UNOPPOSED APPLICATION FOR  
PRE-INDICTMENT RESTRAINING ORDER**

The United States, by and through counsel, BARBARA L. McQUADE,  
United States Attorney for the Eastern District of Michigan, and PHILIP A. ROSS,  
Assistant United States Attorney, hereby applies to this Court, pursuant to 21 U.S.C.  
§ 853(e)(1)(B) for a Restraining Order to preserve the availability of the following  
property that is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A),  
981(a)(1)(C), and 28 U.S.C. § 2461(c):

**REAL PROPERTIES:**

a) **363 W. Big Beaver Road, Ste. 250, Troy, MI 48084-5222**

Parcel 1:

Lots 101 and 102, EXCEPT the North 69 feet deeded to City of Troy in Liber 8016,  
Page 44, BEAVER PARK SUBDIVISION, according to the plat thereof, as  
recorded in Liber 28, Page 29 of Plats, Oakland County Records

Parcel 2:

Together with a Non-Exclusive Easement for Ingress and Egress as recorded in Liber 8653, Page 3, Oakland County Records and described as: Part of vacated Miner Street (50 feet wide) of BEAVER PARK SUBDIVISION of West 2 North, Range 11 East, City of Troy, Oakland County, Michigan, according to the plat thereof, as recorded in Liber 28, Page 29 of Plats, Oakland County Records. ALSO described as: Beginning at a point which is North 87 degrees 50 minutes 28 seconds East, 870.00 feet and South 02 degrees 53 minutes 44 seconds East, 102.00 feet from the North  $\frac{1}{4}$  corner of said Section 28; thence along the South line of Big Beaver Road (204 feet wide) North 87 degrees 50 minutes 28 seconds East, 33.00 feet; thence South 02 degrees 53 minutes 44 seconds East, 60.00 feet along the East line of said vacated Miner Street; thence South 87 degrees 50 minutes 28 seconds West, 33.00 feet; thence North 02 degrees 53 minutes 44 seconds West, 60.00 feet to the Point of Beginning

Parcel 3:

ALSO, together with an Exclusive easement for ingress, egress and parking as recorded in Liber 8653, Page 3, Oakland County Records and described as: Part of Lot 100, BEAVER PARK SUBDIVISION of West part of the Northeast  $\frac{1}{4}$  of Section 28, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, according to the plat thereof, as recorded in Liber 28, Page 29 of Plats, Oakland County Records. ALSO described as: Beginning at a point which is North 87 degrees 50 minutes 28 seconds East 903.00 feet and South 02 degrees 53 minutes 44 seconds East, 468.00 feet and North 87 degrees 50 minutes 28 seconds East, 10.00 feet from the North  $\frac{1}{4}$  corner of said Section 28; thence North 02 degrees 53 minutes 44 seconds West, 30.00 feet; thence North 87 degrees 50 minutes 28 seconds East, 210.00 feet; thence South 02 degrees 53 minutes 44 seconds East, 30.00 feet; thence South 87 degrees 50 minutes 28 seconds West, 210.00 feet to the Point of Beginning

Parcel 4:

ALSO, together with a Non-Exclusive easement for ingress, egress and parking as recorded in Liber 8653, Page 3, Oakland County Records and described as: Part of Lot 100, BEAVER PARK SUBDIVISION of West part of the Northeast  $\frac{1}{4}$  of Section 28, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, according to the plat thereof, as recorded in Liber 28, Page 29 of Plats, Oakland County Records. ALSO described as: Beginning at a point which is North 87 degrees 50 minutes 28 seconds East 903.00 feet and South 02 degrees 53 minutes 44

seconds East, 468.00 feet and North 87 degrees 50 minutes 28 seconds East, 10.00 feet from the North  $\frac{1}{4}$  corner of said Section 28; thence North 87 degrees 50 minutes 28 seconds East, 210.00 feet; thence South 02 degrees 53 minutes 44 seconds East, 20.00 feet; thence South 87 degrees 50 minutes 28 seconds West, 210.00 feet; thence North 02 degrees 53 minutes 44 seconds West, 20.00 feet to the Point of Beginning.

Tax ID# 20-28-203-030

**b) 30773-30785 Stephenson Hwy, Madison Heights, MI 48071**

Land Situated in the City of Madison Heights in the County of Oakland in the State of MI: A parcel of land being a part of the Northwest  $\frac{1}{4}$  of Section 11, Town 1 North, Range 11 East, City of Madison Heights, Oakland County, Michigan, more particularly described as: Beginning at a point on the North line of said Section 11, said point being 1314.16 feet Easterly of the Northwest corner of said Section 11, said point also being the Northeast corner of ROYAL MADISON SUBDIVISION, of part of the Northwest  $\frac{1}{4}$  of Section 11, Town 1 North, Range 11 East, City of Madison Heights, Oakland County, Michigan, according to the plat thereof recorded in Liber 93 of Plats, Pages 27 and 28, Oakland County Records; thence North 88 degrees 38 minutes 36 seconds East along the North line of said Section 11 (centerline of 13 Mile Road, 66 feet wide), 280.53 feet to a point on the Westerly line of Stephenson Highway (204 feet wide); thence South 1 degree 18 minutes East along the Westerly line of said Stephenson Highway, 89.58 feet to a point of curve; thence Southeasterly on a curve to the left and continuing along the Westerly line of said Stephenson Highway, 370.42 feet to a point said curve having a radius of 38,153.83 feet and a central angle of 0 degrees 33 minutes 22.54 seconds, the chord of said curve bears South 1 degree 34 minutes 41 seconds East and has a length of 370.42 feet; thence South 88 degrees 53 minutes 48 seconds West, 290.47 feet to a point on the East line of said ROYAL MADISON SUBDIVISION; thence North 0 degrees 17 minutes 08 seconds West along the East line of said ROYAL MADISON SUBDIVISION 460 feet to the point of beginning; except that part conveyed to the City of Madison Heights in Liber 3964, Page 287, described as, the North 60 feet of that part of the Northwest  $\frac{1}{4}$  of Section 11, Town 1 North, Range 11 East, beginning at a point which is North 88 degrees 58 minutes 36 seconds East, 1314.16 feet from the Northwest Section corner; thence North 88 degrees 58 minutes 36 seconds East, 280.53 feet; thence along the Westerly line of Stephenson Highway (204 feet wide) South 1 degree 18 minutes East, 89.58 feet; thence on a curve to the

left (radius 38,153.83 feet), 120.42 feet; thence South 88 degrees 50 minutes 50 seconds West, 284.44 feet; thence North 0 degrees 17 minutes 08 seconds West, 210 feet to the point of beginning.

Commonly known as 30773-30785 Stephenson Hwy, Madison Heights, MI 48071-1618

Tax Id Number(s): 25-11-126-001

**c) 15670 Southfield Road, Allen Park, MI 48101-2513**

Land situated in the City of Allen Park, County of Wayne, State of Michigan, described as follows:

Lot(s) 70, 71 and 72, including 1/2 of the vacated alley adjacent thereto, Weber Heights Subdivision, further including the Southerly 1/2 of the vacated alley, according to the plat thereof as recorded in Liber 52, Page(s) 56, Wayne County Records.

Commonly known as: 15670 Southfield

**d) 801 Heather Lake Dr., Clarkston, MI 48348**

Land situated in the Township of Orion, County of Oakland, State of Michigan, described as follows:

Lot(s) 12, Heather Lake Meadows No. 1, according to the plat thereof as recorded in Liber 169, Page(s) 8,9, 10, 11, 12 and 13 of Plats, Oakland County Records.

Commonly known as: 801 Heather Lake Drive

**e) 5157 Clarkston Road, Clarkston, MI 48348**

Land situated in the Township of Independence, County of Oakland, State of Michigan, described as follows:

Part of the Southeast 1/4 of Section 14, Township 4 North, Range 9 East, described as: Beginning at a point distance distant North 89 degrees 52 minutes 00 seconds

East, 1638.06 feet from the South 1/4 corner; thence North 89 degrees 52 minutes 00 seconds East, 362 feet; thence North 00 degrees 24 minutes 20 seconds East, 1314.57 feet; thence North 89 degrees 28 minutes 00 seconds West, 100 feet; thence South 03 degrees 05 minutes 50 seconds West, 300 feet; thence North 89 degrees 28 minutes 00 seconds West, 200 feet; thence South 03 degrees 05 minutes 50 seconds West, 1020.11 feet of beginning.

Commonly known as: 5157 Clarkston Road

**f) 411 S. Old Woodward Ave., Birmingham, MI 48009**

Land located in the City of Birmingham, County of Oakland, State of Michigan, described as follows:

Unit 137, Condominiums at Birmingham Place, according to the Master Deed recorded in Liber 32234, Pages 770, and any amendments thereto, Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 1605, together with rights in the general common elements and the limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Commonly known as: 411 S. Old Woodward Ave., #1005

**g) 8728 E. Camino Del Monte, Scottsdale, AZ 85255**

Lot 48, PINNACLE PARADISE, according to Book 126 of Maps, Page 31, Records of Maricopa County, Arizona.

TAX ID NO: 212-03-052

ADDRESS: 8728 EAST CAMINO DEL MONTE, SCOTTSDALE, AZ 85255

**h) 7295 Dutch Road, Goodrich, MI 48438**

Land located in the Township of Atlas, County of Genesee, State of Michigan, described as follows:

Part of the Southwest 1/4 of Section 15, Town 6 North, Range 8 East, Village of

Goodrich, Genesee County, Michigan, described as: A parcel of land beginning South 0 degrees 07 minutes 39 seconds East, 515 feet from West 1/4 corner of Section; thence North 89 degree 45 minutes 58 seconds East, 89.20, thence North 0 degrees 07 minutes 39 seconds West, 3 feet; thence North 89 degree 45 minutes 58 seconds East, 468.40 feet; thence North 0 degrees 07 minutes 39 seconds West, 512 feet; thence North 89 degrees 45 minute 58 seconds East, 750 feet; thence South 0 degrees 25 minutes 35 seconds East, 1556.47 feet; thence South 89 degrees 34 minutes 36 seconds West, 275.93 feet; thence North 81 degrees 09 minutes 48 seconds West, 320.43 feet; thence South 71 degrees 24 minutes 48 seconds West, 154.68 feet and South 64 degrees 58 minutes 38 seconds West, 87.81 feet and South 78 degrees 50 minutes 03 seconds West, 83.40 feet; thence North 62 degrees 46 minutes 54 seconds West, 216.52 feet and North 49 degrees 45 minutes 24 seconds West, 292.28 feet; thence North 0 degree 07 minutes 39 seconds West, 803.65 feet to place of beginning.

Commonly known as: 7295 Dutch Road

**i) 7322 Dutch Road, Goodrich, MI 48438**

Land located in the Village of Goodrich, County of Genesee, State of Michigan, described as follows:

A parcel of land beginning at the West 1/4 corner of Section; thence South 00 degrees 07 minutes 39 Seconds East, 515.00 feet; thence North 89 degrees 45 minutes 58 seconds East, 557.60 feet; thence North 00 degrees 07 minutes 39 seconds West, 515.00 feet; thence South 89 degrees 45 minutes 58 seconds West, 557.60 feet to place of beginning, Section 15, Township 6 North, Range 8 East.

EXCEPT: Part of the Southwest 1/4 of Section 15, Township 6 North, Range 8 East, described as follows: Beginning at a point which is South 00 degrees 07 minutes 39 seconds East, along the West line of said Section 15, a distance of 515.00 feet and North 89 degrees 45 minutes 58 seconds East, 89.20 feet from the West 1/4 corner of said Section 15; thence North 00 degrees 07 minutes 39 seconds West parallel with the West line of said section, a distance of 3.00 feet; thence North 89 degrees 45 minutes 58 seconds East, 468.40 feet; thence South 00 degrees 07 minutes 39 seconds East, 3.00 feet; thence South 89 degrees 45 minutes 58 seconds West, 468.40 feet to the place of beginning.

Commonly known as: 7322 Dutch Road



**j) 9829 Spencer Road, Brighton, MI 48114-7512**

Land situated in the Township of Brighton, County of Livingston, State of Michigan, described as follows:

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 6 East, Livingston County, Michigan, described as: Commencing at the South  $\frac{1}{4}$  corner of Section 29, thence North 00 degrees 05 minutes 43 seconds East along the North-South  $\frac{1}{4}$  line of Section 29 and the West line of Brighton Country Club Subdivision, 1321.02 feet to the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29 and the centerline of Spencer Road, thence South 89 degrees 39 minutes 09 seconds East, along said centerline, 579 feet to the point of beginning, thence North 00 degrees 12 minutes 25 seconds East 255.95 feet, thence North 89 degrees 39 minutes 09 seconds West 209 feet, thence North 00 degrees 12 minutes 25 seconds East 255.95 feet, thence South 89 degrees 39 minutes 09 seconds East 466.24 feet, thence South 00 degrees 14 minutes 58 seconds East 511.93 feet to the centerline of said Spencer Road, thence North 89 degrees 39 minutes 09 seconds West, along said centerline, 261.31 feet to the point of beginning.

Commonly known as: 9829 Spencer Road

**k) 20300 Superior Road, Taylor, MI 48180**

The land referred to in this Commitment is described as follows:

Land situated in the City of Taylor, County of Wayne, State of Michigan, described as follows:

Part of the Northeast  $\frac{1}{4}$  of Section 27, Town 3 South, Range 10 East, Michigan, Taylor, Michigan, described as: Beginning North 89 degrees 38 minutes 00 seconds West 1243.17 feet and North 00 degrees 15 minutes 47 seconds East 952.56 feet and North 25 degrees 58 minutes 10 seconds East 402.17 feet and North 41 degrees 21 minutes 09 seconds East 122.28 feet and North 40 degrees 53 minutes 40 seconds East 809.28 feet from the East  $\frac{1}{4}$  corner of Section 27; thence North 40 degrees 53 minutes 40 seconds East 600.32 feet; thence South 719.13 feet; thence South 45 degrees West 148.61 feet; thence along a curve to the Southeast, radius 395 feet, chord bearing South 81 degrees 28 minutes 7.06 seconds West 101.17 feet; thence

North 25 degrees 57 minutes 44 seconds West 428.68 feet to the point of beginning.

And

An Easement for ingress and egress, being a part of the Northeast  $\frac{1}{4}$  of Section 27, Town 3 South, Range 10 East, City of Taylor, County of Wayne, State of Michigan, described as: Commencing at the East  $\frac{1}{4}$  corner of said Section 17; thence North 89 degrees 38 minutes 00 seconds West; 1243.17 feet; thence North 00 degrees 15 minutes 47 seconds East, 952.56 feet; thence North 25 degrees 58 minutes 10 seconds East, 402.17 feet; thence North 41 degrees 21 minutes 09 seconds East 122.28 feet; thence North 40 degrees 53 minutes 40 seconds East 809.28 feet; thence South 25 degrees 57 minutes 44 seconds East 318.68 feet to the point of beginning; thence continuing South 25 degrees 57 minutes 44 seconds East, 100 feet to the Northerly line of Superior Road (70 feet wide); thence along said Northerly line, on a non-tangent curve to the left, having a central angle of 02 degrees 23 minutes 57 seconds, a radius of 395 feet, a length of 16.54 feet, and chord bearing South 72 degrees 54 minutes 03 seconds West, 16.54 feet; thence North 26 degrees 50 minutes 47 seconds West, 107.46 feet; thence North 64 degrees 02 minutes 16 seconds East 18 feet to the point of beginning.

Commonly known as: 20300 Superior Road

**1) 6610-6620 Highland Road, Waterford, MI 48327-1682**

The land referred to in this Commitment is described as follows:

Land situated in the Township of Waterford, County of Oakland, State of Michigan, described as follows:

Parcel 1: Part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 17, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as follows: Beginning at a point distant North 00 degrees 16 minutes 10 seconds East 764.09 feet and West 515 feet and South 00 degrees 16 minutes 00 seconds West 377.27 feet from the South  $\frac{1}{4}$  corner of said Section 17; thence South 00 degrees 16 minutes 00 seconds West 340 feet; thence South 89 degrees 45 minutes 34 seconds West 150 feet; thence North 00 degrees 16 minutes 10 seconds East 340 feet; thence East 150 feet to the Point of Beginning.

Described on Survey as follows: Part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of



Section 17, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as follows: Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 19 minutes 22 seconds East 764.37 feet and North 89 degrees 56 minutes 41 seconds West 514.96 feet and South 00 degrees 19 minutes 22 seconds West 377.02 feet to the Point of Beginning; thence South 00 degrees 19 minutes 22 seconds West 340 feet; thence South 89 degrees 45 minutes 34 seconds West 150 feet; thence North 00 degrees 19 minutes 22 seconds East 340 feet; thence North 89 degrees 45 minutes 34 seconds East 150 feet to the Point of Beginning.

PARCEL 2: Part of the East 1/2 of the Southwest 1/4 of Section 17, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as follows: Commencing at the South 1/4 corner of said Section 17; thence South 89 degrees 45 minutes 34 seconds West 665 feet and North 00 degrees 19 minutes 22 seconds East 390.50 feet to the Point of Beginning; thence North 00 degrees 19 minutes 22 seconds East 60 feet; thence South 89 degrees 45 minutes 34 seconds West 108.64 feet; thence North 00 degrees 03 minutes 19 seconds East 318.08 feet to the Southerly line of South Service Drive (proposed); thence South 89 degrees 56 minutes 41. seconds East 410.13 feet along the South Right-of-Way line of said South Service Drive; thence South 00 degrees 19 minutes 22 seconds West 298.98 feet; thence South 89 degrees 45 minutes 34 seconds West 150 feet; thence South 00 degrees 19 minutes 22 seconds West 77 feet recorded, 77.27 feet measured; thence South 89 degrees 45 minutes 34 seconds West 150 feet to the Point of Beginning.

FOR TAX PURPOSES: Parcels 1 and 2 described for Tax Purposes, as follows: Part of the East 1/2 of the Southwest 1/4 of Section 17, Town 3 North Range 9 East, Waterford Township, Oakland County, Michigan, described as follows: Beginning at a point distant South 89 degrees 56 minutes 41 seconds West 515 feet and North 00 degrees 17 minutes 17 seconds East 48.21 feet from the South 1/4 corner of said Section 17; thence South 89 degrees 45 minutes 34 seconds West 150 feet; thence North 00 degrees 17 minutes 17 seconds East 400 feet; thence South 89 degrees 45 minutes 34 seconds West 108.40 feet; thence North 00 degrees 03 minutes 19 seconds East 318.08 feet; thence South 89 degrees 56 minutes 41 seconds East 410.13 feet; thence South 00 degrees 19 minutes 22 seconds West 298.98 feet; thence South 89 degrees 45 minutes 34 seconds West 150.27 feet; thence South 00 degrees 17 minutes 17 seconds West 417 feet to the Point of Beginning.

Commonly known as: 6610-6620 Highland Road

**m) Residential Acreage, Independence Twp, Parcel 08-05-200-057**

The land referred to in this Commitment is described as follows:

Land located in the Township of Independence, County of Oakland, State of Michigan, described as follows:

Parcel I:

Town 4 North, Range 9 East, Section 5, part of the Northeast 1/4 beginning at a point distant North 89 degrees 54 minutes 26 seconds West 1324.84 feet and South 00 degrees 07 minutes 05 seconds East 1433.42 feet from the Northeast Section corner; thence South 00 degrees 07 minutes 05 seconds East 330.30 feet; thence North 89 degrees 58 minutes 25 seconds West 1319.46 feet; thence North 330.30 feet; thence South 89 degrees 58 minutes 25 seconds East 1318.77 feet to the beginning.

Parcel II:

Town 4 North, Range 9 East, Section 5 of part of the West 1/2 of the Northeast Fractional 1/4 beginning at a point distant South 89 degrees 28 minutes 16 seconds West 1329.00 feet and North 00 degrees 05 minutes 50 seconds West 1417.84 feet from the East 1/4 corner; thence West 1320.06 feet; thence North 355.06 feet; thence South 89 degrees 58 minutes 25 seconds East 1319.46 feet; thence South 00 degrees 05 minutes 50 seconds East 354.46 feet to the beginning.

Parcel III:

Town 4 North, Range 9 East, Section 5 of part of the West 1/2 of the Northeast Fractional 1/4 beginning at a point distant South 89 degrees 28 minutes 16 seconds West 1329.00 feet and North 00 degrees 05 minutes 50 seconds West 1063.38 feet from the East 1/4 corner; thence West 1320.66 feet; thence North 354.46 feet; thence East 1320.06 feet; thence South 00 degrees 05 minutes 50 seconds East 354.46 feet to the beginning.

Parcel IV:

Town 4 North, Range 9 East, Section 5 of part of the West 1/2 of the Northeast Fractional 1/4 beginning at a point distant South 89 degrees 28 minutes 16 seconds

West 1329.00 feet and North 00 degrees 05 minutes 50 seconds West 708.92 feet from the East 1/4 corner; thence West 1321.26 feet; thence North 354.46 feet; thence East 1320.66 feet; thence South 00 degrees 05 minutes 50 seconds East 354.46 feet to the beginning.

Parcel V:

Town 4 North, Range 9 East, Section 5 of part of the West 1/2 of the Northeast Fractional 1/4 beginning at a point distant South 89 degrees 28 minutes 16 seconds West 1329.00 feet and North 00 degrees 05 minutes 50 seconds West 354.46 feet from the East 1/4 corner; thence West 1321.87 feet; thence North 354.46 feet; thence East 1321.26 feet; thence South 00 degrees 05 minutes 50 seconds East 354.46 feet to the beginning.

Parcel VI:

Town 4 North, Range 9 East, Section 5 of part of the West 1/2 of the Northeast Fractional 1/4 beginning at a point distant South 89 degrees 28 minutes 16 seconds West 1329.00 feet from the East 1/4 corner; thence North 89 degrees 33 minutes 32 seconds West 663.40 feet; thence South 88 degrees 25 minutes 58 seconds West 659.33 feet; thence North 367.39 feet; thence East 1321.87 feet; thence South 00 degrees 05 minutes 50 seconds East 354.46 feet to the beginning.

Commonly known as: Vacant Land

**n) 4320 New Castle, Clarkston, MI 48348-3662**

Land situated in the Township of Orion, County of Oakland, State of Michigan, described as follows:

Lot(s) 70, Heather Lake Meadows No. 1, according to the plat thereof as recorded in Liber 169, Page(s) 8 to 13, inclusive, Oakland County Records.

Commonly known as: 4320 Newcastle Dr.

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***PERSONAL PROPERTIES***

The Government requests that the court enter an order directing the United States Marshal Service to seize two vehicles, namely, one Hummer and One Mercedes 550 sedan. The United States will provide a description of vehicles in the order submitted to the court.

***SOURCES OF REVENUE***

- a) Bio-Magnetic Resonance, Inc.
- b) Pointe Physical Therapy
- c) Michigan Visiting Physicians d/b/a Choice House Calls

The Government requests that this court enter an order requiring the defendant to disclose to the government every thirty days any payments he receives from the above-identified business entities. Further, the government requests that the court direct the defendant to establish an escrow account(s) depositing any revenues generated by the above-named business entities into an account(s), and further directing that the defendant not withdraw any funds deposited into the account without the consent of the government. Further, the government requests that the defendant provide a monthly statement pertaining to any deposits or debits in the account(s).

On June 26, 2014, federal agents arrested the defendant on a Criminal Complaint (14-mj-30302) charging him with Conspiracy to Commit Health Care Fraud in violation of Title 18, United States Code, Sections 1347 and 1349, Conspiracy to Launder Monetary Instruments, Forgery of a Venezuelan Bearer Bond, and Alteration of Pharmaceuticals in violation of Title 18, United States Code, Section 331.

As part of an agreement pertaining to the issuance of the Order Setting Conditions of Release, the defendant consented to the entry of a forfeiture restraining order affecting the properties named herein. In setting the conditions of release, the magistrate judge ordered the defendant to comply with the terms and conditions of the restraining order once entered by the district court. The defendant conceded that the government may record Affidavits of Interest Effecting Title to Realty with the counties where the real properties named herein are located. The government further requests authority to file a *Lis Pendens* on a residence located at 8728 East Camino Del Monte, Scottsdale, Arizona, 85255.

1. Pursuant to 21 U.S.C. § 853 (e)(1)(B), this Court is authorized to enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property subject to forfeiture.

2. In order to assure the availability of property for forfeiture upon conviction, 21 U.S.C. § 853(e)(1)(B), provides the mechanism for the issuance of an *ex parte* pre-indictment restraining order provides:

prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

The procedural aspects of Title 21, U.S.C. § 853 are incorporated by reference to forfeitures pursuant to 18 U.S.C. §§ 981 and 982 and 28 U.S.C. § 2461(c).

3. Pre-trial restraint of assets under 21 U.S.C. § 853(e) has been approved by the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit. In *United States v. Monsanto*, 491 U.S. 600 (1989), the district court restrained, under 21 U.S.C. § 853, a defendant from disposing of his house, his apartment and \$35,000 in cash prior to trial. The Supreme Court upheld the pre-trial restraint, noting that “it would be odd to conclude that the Government may not restrain property such as the home and apartment in respondent’s possession,



based on a finding of probable cause, when we have held that . . . , the Government may restrain persons where there is a finding of probable cause to believe that the accused has committed a serious offense.” *Id.*, at 615-16.

In the same year as the *Monsanto* decision, the Eleventh Circuit recognized the right of the United States to seek pre-trial restraint of assets subject to forfeiture:

To preserve forfeitable assets for a possible conviction, the district court may restrain the defendant from using . . . assets before trial. The restraints may be imposed by way of a restraining order, an injunction, the execution of a performance bond, or a temporary seizure of certain assets which, because of their liquidity, can be readily transferred or hidden. *United States v. Bissell*, 866 F. 2d 1343, 1349 (11<sup>th</sup> Cir.), *cert. denied* 493 U.S. 876 (1980).

4. Sections 981 and 982 of Title 18 provides that the Court, in imposing sentence on a person convicted of a violation of 1347 shall order the person to forfeit to the United States “any property, real or personal, involved in a transaction or attempted transaction in violation of Section 1956, 1957, or 1960 of this Title” as a result of such violation. Subsection 981(a)(1)(C) and 28 U.S.C. § 2461(c) provide for the criminal forfeiture of any proceeds of a specified unlawful activity or any property traceable thereto.

5. Section 1347 of Title 18, United States Code, provides in part:

- (1) to defraud any health care benefit program; or
- (2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both.

6. Section 1956(a)(1)(B) of Title 18, United States Code, provides in part: Whoever-with the intent to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity shall be sentenced to up to twenty years' imprisonment and or fined up to \$1,000,000 or twice the amount laundered.

7. The government asserts that the above-identified assets may be subject to forfeiture pursuant to Title 21, United States Code, Section 853(p) which authorizes the imposition of a forfeiture judgment and the seizure of any asset held by the defendant to satisfy such judgment.

8. Further, the United States respectfully requests that this court enter an order directing the United States Marshal's Service to enter, inspect, and appraise the real properties named herein. Title 18, United States Code, Section 985(b)(2) expressly authorizes a writ of entry to be executed for the purpose of conducting an inspection and inventory of the property. This inspection should, among other things, enable the United States Marshal to appraise the condition and value of the property, and permit the United States to take an inventory of the property, including the use of still and video photography of the premises. Without such an inspection, it would be difficult to preserve the availability of property that is subject to forfeiture for lack of an accurate record documenting the condition of the property.

9. Undersigned counsel sought the concurrence of counsel for Ramasami

Gunabalan, M.D., , Christopher Andreoff, who concurred in the imposition of this restraining order provided that the imposition of this order does not constitute an admission of guilt or liability by the defendant, Ramasami Gunabalan, M.D.

10. The United States concedes that the defendant is entitled to contest the forfeiture of any assets named in this restraining order upon his conviction upon any of the charges under consideration or upon the institution of any civil forfeiture action. The United States shall serve counsel for defendant with any process related to the institution of any civil forfeiture action. The defendant previously waived his right to receive personal service of process in the event the United States institutes a civil forfeiture action against the properties named herein.

Respectfully submitted,

BARBARA L. McQUADE  
United States Attorney

s/Philip A. Ross

Philip A. Ross  
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Philip.Ross@usdoj.gov

Date: June 30, 2014

**Certificate of Service**

I hereby certify that I served counsel of record with the foregoing via ECF on  
June 30, 2014.

s/Philip A. Ross  
Philip A. Ross  
Assistant United States Attorney  
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